

**Policy
314****Glendale Police Department**
Glendale Police Department Policy Manual

Search and Seizure

314.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Glendale Police Department personnel to consider when dealing with search and seizure issues.

314.2 POLICY

It is the policy of the Glendale Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

Supervisors should provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate. California POST legal updates and case law are maintained in CD format in the Professional Standards Bureau.

314.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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314.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) If time permits, officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search.
- (f) A search may be undertaken of a member of the opposite sex when it is not practicable to summon an officer of the same sex and there are reasonable grounds to believe the individual is armed with a dangerous weapon and there is evidence that an immediate search is necessary. In these instances the officers will adhere to the following guidelines for both adults and juveniles:
 - 1. A supervisor and/or one other officer should witness the search, if practicable.
 - 2. A search of primary hiding areas, like the waist and pants pockets may be conducted. If it is tactically necessary for a member of the opposite sex to search for a weapon, he/she may do so by using a grab/grasp and feel type search of the clothing. The search shall be conducted with the fingers and the palm facing the subject's body. A search should not be conducted by patting areas or using the back or blade of the hand, as there is less sense of touch and thus potential to miss or fail to recognize an object. A search should not be done of a female's breasts or genitalia area unless a weapon is clearly visible, at which time the below paragraph is applicable.
 - 3. When searching a member of the opposite sex, if a weapon is visible and easily removed, the officer may remove the weapon. If a weapon is not easily removable and is under clothing in the breast or genitalia area, the suspect should be handcuffed prior to the arrival of an officer of the same sex. If there is a tactical need for the immediate retrieval of a weapon from a member of the opposite sex, then the officer can retrieve the weapon and shall document the search, the search method and the need for the immediate search.

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314.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

314.6 PRE-TRANSPORTATION SEARCH OF PRISONER

Prior to transporting any arrested person, the officer will thoroughly search that person. The officer should search for items such as:

- Weapons, perhaps smaller ones and less typical than those looked for in a "pat down" search, which might endanger the officer's safety
- Contraband which might be disposed of during transportation or which might be introduced into the jail
- For instruments which might facilitate an escape from the police unit or from the jail

314.6.1 EVIDENCE OF ANOTHER CRIME FOUND DURING SEARCH

If evidence of another crime is found upon the arrested person during the pre-transportation search, the officer may elect to book the arrestee on charges other than that for which the arrest was originally made.

This policy regarding a pre-transportation search does not preclude an officer from conducting any other legally justifiable type of search.